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Brevity Serves to Soothe the C.I.A. and Senate

By MARTIN TOLCHIN
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WASHINGTON, June 20— This is a town of proud people and institutions, where political grudges are often held for years and where peace treaties are rare, especially after a public fracas. But in recent weeks the Senate Select Committee on Intelligence and the Central Intelligence Agency have quietly concluded a new working agreement inspired by their worst rupture in memory.

It was only in April that committee leaders had scorned the agency for not informing them of the C.I.A.'s role in the mining of Nicaraguan harbors, in violation of the Intelligence Oversight Act of 1980, which requires the agency to keep the Senate and House intelligence committees "fully and currently informed" of any "significant anticipated intelligence activity."

Senator Barry Goldwater, the Arizona Republican who is the committee chairman, castigated William J. Casey, Director of Central Intelligence, as initiating "an act of war." Senator Daniel Patrick Moynihan, the New York Democrat who is vice chairman of the committee, resigned his post in protest.

"The mining was a crisis," Mr. Moynihan recalled. "If we didn't come through that crisis with something changed, the system would have failed."

Anger and Recriminations

In the cold aftermath of the anger and recriminations, the committee leaders pressed for a new understanding between the committee and the agency, reduced to writing, approved by President Reagan and signed by Mr. Casey and the committee members. Where 200 pages of laws had once been propounded to specify what the agency could not do, the committee leaders now sought a simple agreement that described when the agency, and indeed all Government intelligence agencies, was required to notify Congress of a covert operation.

Few anticipated that the negotiations on such a change would be smooth, according to several participants. But a memorandum of understanding was achieved a mere four weeks after the negotiators first met.

Earlier this month Mr. Casey and the members of the Senate committee placed their signatures on a two-page agreement, approved by President Reagan, that specifies those circumstances in which the agency is required to brief the senators. The crux of the agreement is that the senators are to be informed of any operation, such as the mining, that requires the President's approval. The agreement also requires the agency to inform the committee whenever it changes the objectives of a covert operation.

The context of the negotiations was established at a meeting April 26, in the aftermath of the Nicaraguan mining fiasco, when Mr. Casey came as close to an apology as anybody expected. Mr. Moynihan rescinded his resignation and the committee and the agency announced their joint intention to develop new procedures.

The next day, the Senate committee staff met with Ernest Mayerfeld, deputy director of the C.I.A.'s Office of Legislative Liaison, and other agency officials, in the committee's security-proofed quarters on the fourth floor of the Capitol. The objective was to form guidelines for a new working relationship.

"The process was devoid of any acrimony," Mr. Mayerfeld recalled.

Senator Moynihan attributed the harmonious spirit to the agency's recognition that new procedures were imperative. "The career people knew perfectly well what a disaster we had had," he said. "They knew that it was in their interest to have the system work."

Within three days, Mr. Mayerfeld and his aides came up with a set of principles. The committee staff sought to translate those principles into a detailed set of directives, Mr. Moynihan said. But the Senator, aware that the agency had previously operated under a long set of prohibitions, insisted on brevity.

"We had a shouting session here in my office," he said. "Bureaucracies around here feel if it's longer it's better. I think if it's shorter it's better. I said, 'Get it down to two pages.'"

Once this brevity had been achieved, the document was quickly

accepted by the agency. "Mr. Casey approved an early draft," Mr. Mayerfeld said, "and the final piece of paper was just some fine-tuning and language-honing."

Mr. Casey brought the agreement to the senators to be signed, then "we signed them, and he disappeared," Mr. Moynihan said. Ten days later, with Mr. Casey nowhere to be found, Garrett Chase, the Senate committee's counsel, was dispatched to go to the agency and get the Director's signature. "We said, 'Don't come back without it,'" Mr. Moynihan said.

According to Mr. Mayerfeld, Mr. Casey had been away on a trip. "He signed it the day after he came back," Mr. Mayerfeld said.

Is the Agency Laughing?

One Senator on the committee said he believed that the ease of the negotiations reflected not that the agency had been chastened, but that the document was meaningless. "It was simply a face-saving device for the committee," said the Senator, who asked not to be identified. "The agency people are probably laughing at us, and will carry on as before."

Indeed, leaders of the House intelligence committee, despairing of reaching a meaningful agreement with the agency, intend to press for new legislation that spells out the agency's obligations in some detail.

Although Mr. Moynihan is pleased with the new agreement, he says it is not nearly as important as the actual relationship between the agency and Capitol Hill.

"What is needed is a relationship of mutual confidence based on mutual interest," the Senator said. "Absent that, rules don't help much. When the rules work, it is a sign that the relationship works."